

FREQUENTLY ASKED QUESTIONS

If you purchased beef products between August 1, 2014 and December 31, 2019 to feed yourself, family, or friends, you may be entitled to a cash payment from Settlements.

Beef Consumer Purchasers Settlement Official Website

A federal court has authorized this. It is not a solicitation from a lawyer.

This is an **antitrust class action lawsuit** that claims several beef producers—including JBS, Cargill, National Beef, and Tyson Foods—conspired to **limit the supply** of beef and **increase prices** in the market.

- **The Lawsuit:** The plaintiffs (consumers) allege that the Defendants entered into a market allocation agreement and stopped competing against each other for market share. The alleged purpose and effect of this agreement was to increase their margins and increase the price consumers paid for beef.
- **Settlements:** Two of the defendants, Tyson Foods, Inc., and Tyson Fresh Meats, Inc. (“Tyson”) and Cargill, Inc., Cargill Meat Solutions Corporation (“Cargill”), have agreed to settlements totaling ****\$87.5 million**** (\$55 million from Tyson and \$32.5 million from Cargill) to resolve the claims against them. They have also agreed to certain non-monetary relief.

If you are eligible, you must file a claim by **[Month DD, 20YY]**.

[Click here to submit your Claim]

What are my legal options:

Option	Action Required	Effect of Your Choice	Deadline
1. Get a Cash Payment	Submit a Claim Form .	You will receive a cash payment, and you give up your right to sue Cargill and Tyson over the claims in this lawsuit.	[Month DD, 20YY]
2. Opt-Out (Exclude Yourself)	Submit a written opt-out request .	You will not get a payment from these settlements, but you keep your right to sue Cargill and Tyson on your own for the claims in this lawsuit.	[Month DD, 20YY]
3. Object to the Settlements	Submit a written objection .	You will be bound by the Settlements, but you can tell the Court why you think the Settlements are unfair.	[Month DD, 20YY]
4. Do Nothing	Take no action.	You will not receive a cash payment, and you will be legally bound by the Settlements, giving up your right to sue Cargill and Tyson later.	N/A

1. What is this lawsuit about?

The lawsuit: This is an antitrust class action lawsuit that claims several beef processors—including JBS, Cargill, National Beef, and Tyson Foods— entered into a market allocation agreement and stopped competing against each other for market share. The alleged purpose and effect of this agreement was to increase their margins and increase the price consumers paid for beef.

Defendants’ Position: The Court has **not** ruled that the Defendants did anything wrong, and the companies deny all allegations of wrongdoing.

Non-Settling Defendants: JBS USA Food Company, Swift Beef Company, JBS Packerland, Inc., and National Beef Packing Company have **not** settled.

2. What is this lawsuit called?

This lawsuit is called *In re: Cattle and Beef Antitrust Litigation*. It is pending in the United States District Court, District of Minnesota. The case number is 22-md-3031. The Judge overseeing this litigation is Judge John R. Tunheim.

3. Why is this class action a lawsuit?

In a class action lawsuit, one or more people sue on behalf of a larger group. The people who represent the group are called “class representatives.” The whole group of people is called a “class.” Individual people in the class are called “class members.”

4. Who are the Defendants in this lawsuit and who has settled?

The Defendants in this case are JBS USA Food Company, Swift Beef Company, JBS Packerland, Inc., Cargill, Inc., Cargill Meat Solutions Corporation (“Cargill”), National Beef Packing Company, LLC, Tyson Foods, Inc., and Tyson Fresh Meats, Inc. (“Tyson”).

Cargill and Tyson, together are “Settling Defendants” and the remaining Defendants JBS USA Food Company, Swift Beef Company, JBS Packerland, Inc., and National Beef Packing Company, LLC, are “non-settling Defendants.”

5. Why are there Settlements?

The Court has not decided who is right. Instead, the Plaintiffs and Defendants have agreed to settle. A settlement is an agreement to stop the lawsuit. That way, it avoids the cost of a trial, and the people in the Class will get money. The Class Representatives and the attorneys think the settlements are best for the Class.

Two of the defendants, Tyson Foods, Inc., and Tyson Fresh Meats, Inc. (“Tyson”) and Cargill, Inc., Cargill Meat Solutions Corporation (“Cargill”), have agreed to settlements totaling ****\$87.5 million**** (\$55 million from Tyson and \$32.5 million from Cargill) to resolve the claims against them. They have also agreed to certain non-monetary relief.

6. Who are the plaintiffs?

The plaintiffs in this case are a group of individuals who purchased beef products at grocery stores. Their names are: Kenneth Peterson, Jason Falbo, Sharon Dawson-Green, Lisa Melegari, Cindy Abernathy, Andrew Cohen, Marcelo Lopez, Stacey Troupe, Eric Gauchat, Sharon Killmon, Karen Carter, Charlie Morgan, Brent Rasmussen, David Renz, Kent Winchester, Brenda King, Robert Trepper, Michelle Oversen, William Gee, Jacquelyn Watson, John Shupe, Martin Jarmulowicz, Harold M. Nyanjom, Mark Sperry, Dan Campbell, Craig Margulies, Lindsey Lemoi, and Leigh Tiller.

7. How do I know if I am part of the lawsuit?

You are included—and may be eligible for a payment—if you are a person or entity who **indirectly purchased** any of the following beef products for **personal consumption** between **August 1, 2014, and December 31, 2019**:

- **Beef** (fresh or frozen) made from **chuck, loin, rib, or round primal cuts**. More details regarding the different beef products included in the Settlements is available [here](#).
- **Purchased in one of the following states/jurisdictions** (known as “Repealer Jurisdictions” for this case): Arizona, California, District of Columbia, Florida, Illinois, Iowa, Kansas, Massachusetts, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Dakota, Tennessee, Utah, West Virginia, and Wisconsin.

“Indirectly purchased” means you did not buy the beef products directly from one of the Defendants. Instead, you bought it at a grocery store or supermarket.

8. What Beef Products Are NOT Included?

Any beef marketed as:

- **Premium:** USDA Prime, organic, 100% grass-fed, Wagyu, “American-Style Kobe Beef.”
- **Specialty:** No Antibiotics Ever (“NAE”), antibiotic-free, kosher, halal, certified humane.
- **Processed:** Ground, marinated, seasoned, flavored, breaded, or cooked beef.

9. Is anyone excluded from the Settlement Class?

Yes. Excluded from the Settlement Class are Defendants, the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; any affiliate, legal representative, heir or assign of any Defendant; any federal, state, or local governmental entities, any judicial officer presiding over this lawsuit and the members of his/her immediate family and judicial staff, any juror assigned to this lawsuit. Further excluded are purchases of products that contain ingredients other than beef (except for salt or water).

10. What can I get from the Settlements?

If you are included in the Settlement Class, you can file a claim to receive a **pro-rata (equal share) cash payment**. This payment will be proportional to the amount of included beef you purchased during the class period.

You do not need to submit a separate Claim Form for the Tyson Foods and Cargill Settlements.

11. What am I giving up by staying in the Settlement Class?

If you stay in the class and do nothing, you will not receive money. If you stay in the class and submit a timely and valid claim, you will receive some payment. If you stay in the class, you cannot sue Cargill or Tyson on your own for these same claims. The Released Claims are detailed in Paragraphs 14-15 of the Cargill Settlement and Paragraphs 14-15 of the Tyson Settlement.

You are not releasing your legal claims against any Defendants other than Cargill and Tyson.

12. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Settlement Class. You will only receive a cash payment if you submit a timely and valid claim. If the Settlements are approved and become final, all Court orders and judgments will apply to you and legally bind you.

You will still have the opportunity to participate in any future settlements or judgments obtained by Consumer Indirect Purchaser Plaintiffs against other Defendants in the lawsuit.

13. How do I submit a Claim Form?

To receive a payment, you must submit a **Claim Form** with all required information.

- **Deadline:** Your Claim Form must be postmarked or submitted online by **[Month DD, 20YY]**.
- **Online Filing:** **[Click here to submit a Claim Form.]**

Claims form must be postmarked by Month DD, 20YY. Claim Forms are also available at www.overchargedforbeef.com or Settlement Administrator by calling 1-xxx-xxx-xxxx or by writing to:

Consumer Indirect Beef Litigation
c/o Settlement Administrator
P.O. Box XXX
Portland, OR 972XX-XXXX

14. What happens if my contact information changes after I submit a Claim Form?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes by writing to:

Consumer Indirect Beef Litigation
c/o Settlement Administrator
P.O. Box XXX
Portland, OR 972XX-XXXX

15. When will I get paid?

You will get paid after the settlements are approved and any appeals end. This process can take time. Please check this website for updates.

16. How do I get out of the Settlements?

You may exclude yourself from one or both of the Settlements. You must mail a written request for exclusion, which includes the following:

1. Your full name, current mailing address, and email address (if any);
2. Your personal physical signature; and
3. A statement that you want to be excluded from one or both of the Settlements, such as “I hereby request to be excluded from the Tyson and Cargill Settlements in *In re Cattle and Beef Antitrust Litigation*.”

The exclusion request must be **mailed** to the Settlement Administrator at the following address, and be **postmarked** by **Month DD, 20YY**.

Consumer Indirect Beef Litigation
c/o Settlement Administrator
P.O. Box XXX
Portland, OR 972XX-XXXX

You cannot exclude yourself by telephone or by email.

“Mass” or “class” requests for exclusion filed by third parties on behalf of a “mass” or “class” of Settlement Class Members or multiple Settlement Class Members where the opt-out has not been signed by each and every individual Settlement Class Member will not be allowed.

17. If I exclude myself, can I get a cash payment from the Settlements?

No. If you exclude yourself from a settlement, you will not get money from that settlement. And if you exclude yourself from all of the settlements, you will not get money from any of the settlements in this case.

18. If I do not exclude myself, can I sue Cargill and Tyson for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Released Parties (Tyson and Cargill) for the legal claims that these Settlements resolve and Release, and you will be bound by all of the terms of the Settlements. You must exclude yourself from this lawsuit to start or continue with your own lawsuit or be part of any other lawsuit against the Released Parties about the Released Claims in this lawsuit. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately.

19. How do I tell the Court I do not like the Cargill and/or Tyson Settlements?

Objecting is when you tell the Court that you don't like something about a settlement. You must give reasons why you think the Court should not approve it. The Court will consider your views. You can hire your own lawyer to help you, but you don't have to.

20. How do I object?

To object, you must send a letter to the Court. Your letter must include:

- Your name,
- Your address,
- Your telephone number,
- Your notice ID number (if you have one),
- The reason(s) you object to one, or both, of the settlements,
- Your lawyer's name (if you have one),
- A statement saying that you object to the Cargill Settlement and/or Tyson Settlement in *In re Cattle and Beef Antitrust Litigation (Consumer Indirect Purchaser Actions)*, No. 0:22-md-03031,
- A statement saying if you (or your lawyer) want to speak at the hearing, and
- Your signature (you must sign the letter).

You must mail your objection postmarked no later than **MONTH DD, 20YY** to these two addresses:

<u>Settlement Administrator:</u>	<u>Court</u>
Consumer Indirect Beef Litigation c/o Settlement Administrator P.O. Box XXXX Portland, OR 97XXX-XXXX	United States District Court for the District of Minnesota, 300 South Fourth Street, Suite 202, Minneapolis, Minnesota 55415

21. If I object, will the judge change the settlements?

No. The judge cannot change the terms of the Settlements. He can only approve or not approve the settlements as they are. If the judge agrees with your objection, he may not approve the settlements.

22. Can I object to a settlement if I exclude myself?

No. You cannot object to a settlement if you exclude yourself.

23. Do I have a lawyer in this lawsuit?

Yes. The judge assigned lawyers from two law firms to represent you and the other Class Members in this lawsuit. The law firms are Hagens Berman Sobol Shapiro LLP and Lockridge Grindal Nauen PLLP.

These lawyers are called "Class Counsel."

You will not be charged for these lawyers, and you can contact them for free. If you want to be represented by your own lawyer, you can hire one, but you may have to pay them.

24. How will Class Counsel be paid?

Class Counsel will ask the Court for an award of attorneys' fees up to 33 1/3% of the Gross Settlement Amount (\$87.5 million plus accrued interest), up to \$12 million in litigation expenses and costs incurred, up to \$2 million in settlement and claims administration costs, and class representative service awards of up to \$2,000 to be paid from the Settlement Funds. Any payment to the lawyers or class representatives will be subject to Court approval, and the Court may award less than the requested amount. The attorneys' fees,

costs, expenses, and service awards that the Court orders, plus the costs to administer the Settlements, will be paid out of the respective Cargill and Tyson Settlement Funds.

When Class Counsel's motions for attorneys' fees, costs, expenses, and service awards are filed in the Cargill Settlement and the Tyson Settlement, they will be available at www.overchargedforbeef.com. The motions will be posted on the case website before the deadline for objecting to each Settlement.

25. What happens next in this lawsuit?

The judge will hold a hearing to decide if he will approve these settlements. The judge's decision after the hearing will affect the rights of all Class Members. The settlements will only go into effect if the judge approves them and appeals are resolved. If you wish, you may attend the hearing.

The hearing is scheduled for **MONTH DD, 20YY, at XX:XX a.m./p.m** before the Honorable John R. Tunheim at the U.S. District of Minnesota Courthouse, 300 South Fourth Street, Suite 202, Minneapolis, Minnesota or via telephone or video conference.

The judge may decide to move the hearing to a different date or time. Check this website for updates.

26. What happens at the hearing?

At the hearing, the Court will consider if it will approve the settlements. The Court may consider any objections at that time. The judge will listen to people who have asked to speak at the hearing. The Court may also decide how much it wants to pay Class Counsel and the Class Representatives.

27. Do I have to attend the hearing?

No. You do not have to attend the hearing, but you are welcome to attend at your own cost. If you mail a written objection to the Court on time, the judge will consider it. This is true even if you do not attend the Court hearing to talk about it.

You may also pay your own lawyer to attend, but you do not have to.

28. Can I ask to speak at the hearing?

Yes. You may ask to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *In re Cattle and Beef Antitrust Litigation*, No. 0:22-md-03031." Be sure to include your name, current mailing address, telephone number, and signature. Your Notice of Intention to Appear must be **postmarked** by **MONTH DD, 20YY**, and it must be sent to the Clerk of the Court and the Settlement Administrator. The addresses are:

<u>Settlement Administrator:</u>	<u>Court</u>
Consumer Indirect Beef Litigation c/o Settlement Administrator P.O. Box XXXX Portland, OR 97XXX-XXXX	United States District Court for the District of Minnesota, 300 South Fourth Street, Suite 202, Minneapolis, Minnesota 55415

29. How do I get more information about the lawsuit?

This Notice summarizes the lawsuit, Cargill Settlement, Tyson Settlement and your legal rights. More details are in the Settling Defendants' Settlement Agreements. You can find a copy of the Settlement Agreements, other important documents, and information about the current status of the lawsuit [here](#). You may get additional information by calling toll-free at 1-XXX-XXX-XXXX or by writing to:

Consumer Indirect Beef Litigation
c/o Settlement Administrator
P.O. Box XXX
Portland, OR 972XX-XXXX